## EXHIBIT 3

	Page 1
1	UNITED STATES DISTRICT COURT
	EASTERN DISTRICT OF TENNESSEE
2	
3	ULTIMA SERVICES CORPORATION, :
J	:
4	Plaintiff, :
	· :
5	vs. : Case No.:
	: 2:20-cv-00041-
6	U.S. DEPARTMENT OF AGRICULTURE,: DCLC-CRW
	et al.,
7	:
	Defendants. :
8	:
9	
10	
11	REMOTE DEPOSITION OF DANIEL CHOW
12	
13	DATE: March 10, 2022
14	TIME: 10:06 a.m.
15	LOCATION: Rockville, Maryland
16	REPORTED BY: Shari R. Broussard, RPR, CSR
	Reporter, Notary
17	
18	
19	
20	Monitort Local Colutions
21	Veritext Legal Solutions
22	1250 Eye Street, NW, Suite 350 Washington, D.C. 20005
<b>44</b>	wasiiiigcoii, D.C. 20005

Page 2		Page 4
1 APPEARANCES	1	PROCEEDINGS
2 On behalf of Plaintiff:	2	
3 MICHAEL E. ROSMAN, ESQUIRE MICHELLE A. SCOTT, ESQUIRE		WHEREUPON,
4 Center for Individual Rights	3	DANIEL CHOW
1100 Connecticut Avenue, Northwest	4	called as a witness, and having been sworn by the
5 Suite 625 Washington, D.C. 20036	5	notary public, was examined and testified as
6 (202) 833-8400	6	follows:
rosman@cir-usa.gov	7	EXAMINATION BY COUNSEL FOR PLAINTIFF
7 On behalf of Defendants:	8	BY MR. ROSMAN:
8	9	Q Good morning, Mr. Chow. My name is
CHRISTINE DINAN, ESQUIRE	10	Michael Rosman. I represent the plaintiff in the
9 JULIET GRAY, ESQUIRE ANDREW BRANIFF, ESQUIRE		
10 Department of Justice	11	lawsuit which you're about to give a deposition.
Civil Rights Division	12	Have you ever been deposed before?
11 Employment Litigation Section 150 M Street, Northeast	13	A None before this one.
12 Washington, D.C. 20530	14	Q Okay. Why don't you just state your
christine.dinan@usdoj.gov	15	name and address for the record, please.
13 juliet.gray@usdoj.gov andrew.braniff@usdoj.gov	16	A My name is Daniel Chow, C-H-O-W. My
14	17	address is 11910 Kings Bridge Way, Rockville,
15 ALSO PRESENT:		
16 Josephine Arnold, Esquire, MBDA 17	18	Maryland 20852.
18	19	Q Great. Thank you.
19	20	So let me just explain. This is a
20   21	21	proceeding before trial in a lawsuit. You've been
22	22	sworn to tell the truth. I'm going to ask a
Page 3		Page 5
1 CONTENTS	1	series of questions which you should answer to the
2 EXAMINATION BY: PAGE	2	best of your knowledge and ability. If you don't
3 Counsel for Plaintiff 4, 113	3	understand a question, if I've said something
4 Counsel for Defendant 109	4	confusing, you can ask for some clarification and
5	-	
6	5	I might rephrase it. If you need a break at some
	6	point, you can ask me for that and we'll try to
	7	arrange one as quickly as we can.
8 Exhibit 1 Curriculum Vitae 5	8	Do you have any questions about that?
9 Exhibit 2 Executive Order 12432 15	9	A None. Thank you.
10 Exhibit 3 Update to the Assessment of Contracting	10	(Chow Exhibit Number 1 was
Outcomes for Small Disadvantaged	11	marked for identification.)
11 Businesses, 2/7/22 33	12	BY MR. ROSMAN:
12		
13	13	Q Okay. I've marked as Plaintiff's
14	14	Exhibit 1 your CV or what was given to us as your
15	15	CV.
16	16	Could you just confirm that that is in
17	17	fact your CV?
18	18	A Yes, this is my CV.
	19	Q Okay. I just have a few questions about
19	20	it. I noticed in the first position at the U.S.
20		
21	21	Bureau of Labor Statistics it says that you
22 (* Exhibits attached to transcript.)	22	authored professional journal articles and I was

1	Page 110	1	Page 112
$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	what extent our minority- and small-disadvantaged firms are able to win or not win contracts.	$\begin{vmatrix} 1 \\ 2 \end{vmatrix}$	of these firms, so yes, they they are included in the study.
3	Q And what did you find?	3	Q To your knowledge, were any individual
4	A We found that I found that SDBs that	4	firms removed from the datasets that you were
5	are not in the 8(a) program are 30 about 37	5	given by SBA either by you or by SBA because of
6	percent less likely to win a contract compared to	6	their success in bidding in the federal
7	firms in the 8(a) program, which are like twice as	7	marketplace?
8	likely to win a contract, and that there are other	8	A No.
9	characteristics of firms that seem to indicate	9	Q Are you aware of any economic study or
10	that there are differences in odds ratio for	10	data that would indicate that registered
11	winning contracts.	11	minority-owned firms bid less often on contracts
12	Q In your study you control for a number	12	than registered non-minority firms
13	of factors in your regression analysis to	13	A I'm not aware of any.
14	determine whether any of those factors could	14	Q non-minority-owned firms?
15	impact the odds of a firm winning a contract.	15	A I'm not aware of any.
16	Did you control for every factor that	16	Q Let me look at my motes. Just a moment.
17	the data allowed you to control for?	17	Just back to what you were saying a
18	A I controlled for as many factors as I	18	moment ago about the findings, when you indicated
19	could within the design of the of the	19	that certain firms there were 37 percent less
20	study, yes.	20	likely had 37 percent less likely odds of
21	Q In your opinion, would the results from	21	winning a contract as compared to other firms,
22	your study be consistent with the presence of	22	that was all firms with similar characteristics,
	Page 111		Page 113
1	-	l	
1	discrimination?	1	correct?
2	discrimination?  A Yes, in my expert opinion it is	1 2	correct?  A Correct.
		-	
2	A Yes, in my expert opinion it is	2	A Correct.
2 3	A Yes, in my expert opinion it is consistent, yes.	2 3	A Correct.  Q And that was not just in comparison to
2 3 4	A Yes, in my expert opinion it is consistent, yes.  Q And why is that?	2 3 4	A Correct.  Q And that was not just in comparison to firms in the 8(a) program; is that right?
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